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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,426	09/16/2003	Wei-Ming Lee	21064/0206583-US0	2374
73447	7590	11/18/2008	EXAMINER	
Seagate Technology c/o DARBY & DARBY P.C. P.O. Box 770 Church Street Station New York, NY 10008-0770			CHAUDHRY, SAEED T	
		ART UNIT	PAPER NUMBER	
		1792		
		MAIL DATE		DELIVERY MODE
		11/18/2008		PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/662,426	LEE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Saeed T. Chaudhry	1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 July 2008.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2 and 4-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2 and 4-10 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                               |                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                              | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                          | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/08</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|                                                                                                                               | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on December 27, 2008 has been entered.

Applicant's preliminary amendments and remarks filed July 9, 2008 have been acknowledged by the examiner and entered. Claims 3 and 11-20 have been canceled and claims 1-2, 4-10 are pending in this application for consideration.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 2 and 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by**

### **Tateyama et al.**

Tateyama et al (5,375,291) disclose an apparatus cleaning a disk like substrate comprising a burnishing object (42) positioned over the substrate, which rotates with a motor

(41) and swung in the direction  $\Theta$  to translate and make an offset angle from the center of the substrate by a drive mechanism.

The object is not contacted with the substrate by air. The offset angle is changing while object is moving on the disk from outer to the inner diameter or in the reverse direction. The apparatus is capable of simultaneously translating and rotating. The object is capable of making a wiper blade motion since it moves in  $\Theta$  direction and translates the brushes by advancing the brushes from the first position of contact to a second position of contact linearly.

A horizontal base 2 of the substrate-cleaning unit 38 is supported by four posts 3. A brush cleaner 5, an operation mechanism 6 and a spin chuck mechanism 40 are arranged on the horizontal base 2. The operation mechanism 6 serves to move a jet nozzle 13 and a brush 42 in the X and Z axes directions. The jet nozzle 13 is attached to the front end of an arm 17, which is supported by a mechanism 15. The arm 17 can be extended in the Y axis direction and swung in the direction  $\Theta$  by the mechanism 15.

The brush 42 is wound round a shaft 44 in a spiral. This spiral brush 42 can make its contact area with the wafer W larger than the disk brush. In addition, it can make its contact pressure against the wafer W more uniform than the roll brush. It is made of nylon or mohair. The shaft 44 is rotated round its center axis, extended in the Y axis direction and swung in the direction  $\Theta$  by a drive mechanism 41, which is connected to the operation mechanism 6 by a lifter base 43 and moved in the Z axis direction by the lifter base 43. The brush cleaner 5 serves to clean the brush 42 when the brush 42 is at its waiting position (see col. 3, line 62 through col. 4, line 15 and Fig. 2).

Tateyama et al discloses all the limitations as claimed herein, i.e. rotates the burnishing object in the direction of  $\Theta$ , and translates the burnishing object from first position of contact to a second position of contact linearly relatively to the disk. Therefore, Tateyama et al anticipated the claimed apparatus.

### **Response to Applicant's Arguments**

Applicant argued that Tateyama reference cited in the present application does not disclose “linear” translation of the burnishing object relative to the disk. The Board states “we find no basis in the claim language or in the disclosure in the specification to read the term “linearly” into the claims as a limitation on ‘to advance a position of contact’ with respect to the translation course between two points as disclosed in the specification. The applicant have amended the claims to recite this limitation.

This argument is not persuasive because the Board has decided that “we find one skilled in the art would infer from the illustrated position of respective mechanisms and the brushes in Figs. 1 and 8 that, during the cleaning operation, the brushes are positioned over the disk, extending adjacent a surface at an offset angle to the center line thereof, and can be rotated by the mechanisms to change the offset angle, thus translating the brushes by advancing the brushes from the first position of contact to a second position of contact”. Therefore, Tateyama still read on the claimed process.

Applicant's arguments filed July 7, 2008 have been fully considered but they are not persuasive.

*Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed T. Chaudhry whose telephone number is (571) 272-1298. The examiner can normally be reached on Monday-Friday from 9:30 A.M. to 4:00 P.M.*

*If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Barr, can be reached on (571)-272-1414. The fax phone number for non-final is (703)-872-9306.*

*When filing a FAX in Gp 1700, please indicate in the Header (upper right) “Official” for papers that are to be entered into the file, and “Unofficial” for draft documents and other*

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*communication with the PTO that are for entry into the file of the application. This will expedite processing of your papers.*

*Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1700.*

*Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).*

**Saeed T. Chaudhry**

**Patent Examiner**

/Michael Barr/

Supervisory Patent Examiner, Art Unit 1792